

United States District Court

E-FILING

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

2007 AUG 30 A 11:05

V.

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

Juan PONCE-Hernandez

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: 07-70512-HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, August 7, 2007, in San Benito County in the Northern District of California defendant(s) was, (Check Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following
 Official Title
 facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: Yes No

Signature of Complainant

Sworn to before me and subscribed in my presence,

8/30/07

Date

at

San Jose, California

City and State

Howard R. Lloyd
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: PONCE-Hernandez, Juan A77 163 018

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

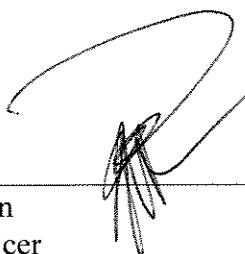
- (1) Mr. PONCE-Hernandez is a 34-year-old male who has used eighteen (18) aliases and four (4) dates of birth in the past.
- (2) Mr. PONCE-Hernandez has been assigned one (1) Alien Registration number of A77 163 018, FBI number of 409062WA6, California Criminal Information Index number of A10632739, and San Benito Co Booking# 0700111788.
- (3) Mr. PONCE-Hernandez is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
October 23, 2001	San Ysidro, CA
March 1, 2006	Calexico, CA

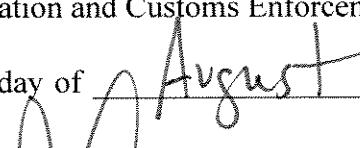
- (4) Mr. PONCE-Hernandez last entered the United States at or near San Ysidro, CA on or after March 1, 2006, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. PONCE-Hernandez on a date unknown, but no later than August 7, 2007, in San Benito County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On August 8, 2007, Mr. PONCE-Hernandez was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the San Benito Co Jail, Hollister, CA, and during that interview, Mr. PONCE-Hernandez was advised of his **Miranda** rights in Spanish and English. Mr. PONCE-Hernandez waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. PONCE-Hernandez was, on May 2, 1994, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of PETTY THEFT, a misdemeanor, in violation of Section 484/488 of the California Penal Code, and was sentenced to six (6) months probation.

RE: LOPEZ-Serrano, Juan Carlos A75 537 464

- (7) Mr. PONCE-Hernandez was, on June 14, 1996, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of FIRST DEGREE RESIDENTIAL BURGLARY, an aggravated felony, in violation of Section 459 of the California Penal Code, and was sentenced to four (4) years in prison.
- (8) Mr. PONCE-Hernandez was, on August 18, 1997, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of OBSTRUCT/RESIST PUBLIC OFFICER, a misdemeanor, in violation of Section 148(a) of the California Penal Code, and was sentenced to twenty (20) days in jail.
- (9) Mr. PONCE-Hernandez was, on May 21, 2001, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of EXHIBIT DEADLY WEAPON: NOT FIREARM, a misdemeanor, in violation of Section 417(a)(1) of the California Penal Code, and was sentenced to ninety (90) days in jail.
- (10) Mr. PONCE-Hernandez was, on April 16, 2003, convicted in the Superior Court of California, in and for the County of San Benito, for the offense of DUI WITH INJURY, a felony, in violation of Section 23153(b) of the California Vehicle Code, and was sentenced to two (2) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. PONCE-Hernandez illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.


Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 30 day of August, 2007


HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE